

§ 136.239

33 CFR Ch. I (7–1–10 Edition)

§ 136.239 Proof.

In addition to the requirements of subparts A and B of this part, a claimant must establish—

- (a) The nature of the specific public services provided and the need for those services;
- (b) That the services occurred during or after removal activities;
- (c) That the services were provided as a result of a discharge of oil and would not otherwise have been provided; and
- (d) The net cost for the services and the methods used to compute those costs.

§ 136.241 Compensation allowable.

The amount of compensation allowable is the net cost of the increased or additional service provided by the State or political subdivision.

Subpart D—Designation of Source and Advertisement

GENERAL

§ 136.301 Purpose.

This subpart prescribes the requirements concerning designation of the source or sources of the discharge or threat of discharge and advertisement of these designations, including the procedures by which claims may be presented to the responsible party or guarantor.

§ 136.303 Definitions.

As used in this subpart—

Advertisement means the dissemination of information, including but not limited to paid advertisements, that are reasonably calculated to advise the public how to present a claim.

Designated source means a source designated under § 136.305.

DESIGNATION OF SOURCE

§ 136.305 Notice of designation.

(a) When information of an incident is received, the source or sources of the discharge or threat are designated, where possible and appropriate. If the designated source is a vessel or facility, the responsible party and the guarantor, if known, are notified by telephone, telefax, or other rapid means of

that designation. The designation will be confirmed by a written Notice of Designation.

(b) A Notice of Designation normally contains, to the extent known—

- (1) The name of the vessel or facility designated as the source;
- (2) The location, date, and time of the incident;
- (3) The type of quantity of oil involved;
- (4) The date of the designation;
- (5) The procedures for accepting or denying the designation; and
- (6) The name, address, telephone number, and, if available, telefax number of the responsible Federal official to whom further communication regarding the incident, advertisement of the incident, or denial of designation should be directed.

§ 136.307 Denial of designation.

(a) Within five days after receiving a Notice of Designation under § 136.305, the responsible party or guarantor may deny the designation.

(b) A denial of designation must—

- (1) Be in writing;
 - (2) Identify the Notice of Designation;
 - (3) Give the reasons for the denial and provide a copy of all supporting documents; and
 - (4) Be submitted to the official named in the Notice of Designation.
- (c) A denial is deemed received on the date the denial is actually received by the official named in the Notice of Designation.

ADVERTISEMENT

§ 136.309 Advertisement determinations.

(a) The Director, NPFC, determines for each incident the type, geographic scope, frequency, and duration of advertisement required.

(b) In making the determination specified in paragraph (a) of this section, the Director, NPFC, may consider—

- (1) The nature and extent of economic losses that have occurred or are likely to occur;
- (2) The potential claimants who are likely to incur economic losses;